THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION NO.20273 of 2006

DATED 27.09.2006

Between:
Edumadakala Kumar. … PETITIONER

versus

The Government of Andhra Pradesh,
represented by its District Collector,
Kadapa, Kadapa District and another. … RESPONDENTS

WRIT PETITION NO.20273 of 2006

ORDER:

The matter is coming up for admission today. Learned Government Pleader for Revenue takes notice on behalf of 1st respondent and Sri Newton takes notice on behalf of 2nd respondent.

2. Heard Sri V.R.Reddy, learned counsel representing the petitioner.

3. The Writ Petition is filed for a Writ of Mandamus declaring the high-handed action of the respondents in laying a road across the land in an extent of Ac.0.75 cents in S.No.412 of Mannur village, Rajampet Mandal, Kadapa District, belongs to the petitioner, as arbitrary, illegal, contrary to the procedure contemplated under the provisions of Land Acquisition Act, 1894 and violative of the fundamental and constitutional rights guaranteed to the petitioner under Articles 14, 19, 21 and 300-A of the Constitution of India and consequently direct the 2nd respondent to follow due process of law and pass such other suitable orders.

3. Several factual details are narrated in the affidavit filed in support of the Writ Petition.

4. Sri Newton states that inasmuch as the object of the writ

petitioner is to convert his agricultural land into plots and unless the procedure as contemplated under the provisions of A.P. Municipalities Act, 1965 is followed, such conversion is impermissible and even otherwise on what extent of land the compensation to be paid is a matter to be decided at the appropriate time after following the procedure under the provisions of A.P. Municipalities Act, 1965.

It is needless to say that these are all questions which may have to be decided at appropriate stage. Be that as it may, there cannot be any controversy that the respondents are expected to follow the procedure specified by the provisions of A.P. Municipalities Act, 1965 in further proceeding with the action, which is questioned in the present Writ Petition. In view of the same, this Court is of the considered opinion that the Writ Petition be disposed of directing the respondents not to resort to any high-handed action of laying a road across the land in an extent of 75 cents in S.No.412 o9f Mannur village, Rajampet Mandal, Kadapa District, of the petitioner unless and until they follow due process of law.

With the direction indicated above, the Writ Petition is disposed of. No costs.

27.09.2006

SSR